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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
- v. - : DECLARATION IN SUPPORT
\$1,000,000 in United States Currency, : OF DEFAULT JUDGMENT
Defendant-in-rem. : 18 CV. 5761 (AHK)
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DECLARATION OF HAGAN SCOTTEN IN SUPPORT OF
MOTION FOR DEFAULT JUDGMENT

HAGAN SCOTTEN, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am an Assistant United States Attorney in the Office of Geoffrey S. Berman, United States Attorney for the Southern District of New York, attorney for plaintiff herein. I have responsibility for the above-captioned matter, and as such, I am familiar with the facts and circumstances of this proceeding. This declaration is submitted in support of the Government's motion for default judgment with respect to the above captioned Defendant.

in-rem, specifically, \$1,000,000 in United States currency (the "Defendant-in-rem").

2. On June 26, 2018, the United States commenced an *in rem* forfeiture action seeking the forfeiture of the Defendant-in-rem, by the filing of a Verified Complaint (the "Verified Complaint") (D.E. 1).

3. The Verified Complaint alleges that the Defendant-in-rem is subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(A) and (a)(1)(C).

4. On or about May 4, 2018, the entity controlled by the Santee Sioux Tribe of Nebraska (the "Santee Sioux") that was involved in the loan business described in the Verified Complaint entered into a Non-Prosecution Agreement with the Government in which, *inter alia*, Santee Sioux consented to the forfeiture of the Defendant-in-rem.

5. Santee Sioux is the only entity known by the United States to have a potential interest in the Defendant-in-rem.

6. The Government published notice of the Verified Complaint against the Defendant-in-rem on the official government internet site, www.forfeiture.gov, for at least 30 consecutive days, from June 30, 2018 through July 29, 2018.

7. Proof of the aforementioned publication was filed with the Clerk of this Court on September 19, 2018 (D.E. 3).

8. Accordingly, the Government respectfully requests that the Court enter the attached proposed Default Judgment pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure. The proposed Default Judgment is attached hereto as Exhibit A.

9. There has been no prior application for the relief sought herein. I declare the foregoing to be true and correct pursuant to Title 28, United States Code, Section 1746.

Dated: New York, New York
September 21, 2018

/s/ Hagan Scotten
HAGAN SCOTTEN
Assistant United States Attorney